

901-904; Lodg. No. 6, California Court of Appeal Opinion, at 3, 7-8.)

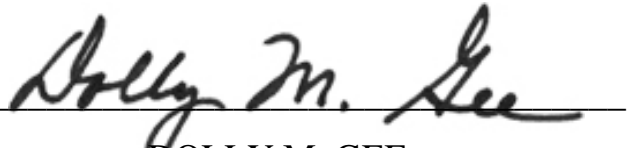
Moreover, Petitioner's counsel raised doubts about the timing of this footage *at trial*. (RT at 901-904.) As a rule, "[i]t is the responsibility of the jury – not the court – to decide what conclusions should be drawn from evidence admitted at trial." *Coleman v. Johnson*, 132 S. Ct. 2060, 2062 (2012) (*per curiam*) (quoting *Cavazos v. Smith*, 132 S. Ct. 2, 4 (2011)). Here, the jury convicted Petitioner after considering not only the footage, but also the identification testimony of *four* eyewitnesses. (Lodg. No. 1, Augmented Reporter's Transcript, at 64-65, 71; RT at 918, 938, 1205, 1279, 1294, 1297.) Hence, the Magistrate Judge correctly found that "viewing the evidence in the light most favorable to the prosecution, [a] rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
2. Judgment be entered denying the Petition and dismissing this action with prejudice; and
3. The Clerk serve copies of this Order on the parties.

Additionally, for the reasons set forth above and in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of appealability.

DATED: November 24, 2014


DOLLY M. GEE
UNITED STATES DISTRICT JUDGE